



YONKERS PUBLIC SCHOOLS

Achieving Excellence Together

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November 17, 2006

Bernard P. Pierorazio
Superintendent of Schools

Federal Communication Commission
Office of the Secretary
445 12th Street SW
Room TW-A325
Washington, DC 20554

Christopher M. Carvalho
Director
Technology and Information Systems

To Whom It May Concern:

RE: BEN 123703 Yonkers Public Schools
Appeal of SLD Decision on Form 471 Application 458165 FRN 1335629
CC Docket No. 02-6
CC Docket No. 96-45

On September 21, 2006 we received notification from the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) regarding their denial of an appeal filed with the SLD. The appeal was filed pertaining to Form 471 Application 458165, specifically, FRN 1335629 in which the FRN was denied with an explanation of "Applicant failed to provide Bid Score sheet documentation".

We strongly disagree with the funding commitment letter denial as well as the SLD's decision on our appeal of the FCDL. We base this on the fact that this service was procured under New York State Contract CMS209A and no bid score sheets are required for State Contract purchases.

Initially, Yonkers Public Schools did receive three responses as a result of the posting of the Form 470 for Funding Year 2005. Upon review of the responses, the determination was made to utilize New York State Contract, a copy of which is attached for your convenience, for the procurement of this service and therefore, no contemporaneous documentation was prepared. This information was conveyed to the SLD multiple times including during our appeal along with a copy of the NY State Contract page. As a matter of course, local, State and E-Rate guidelines afford the beneficiaries the ability to purchase goods and services from a Master State Contract. Furthermore, at the time of posting the Form 470, the "No RFP" box was checked and the responses that were received were done so without communication from the District. The District maintained a listing of criteria for this service and provided specific contact information on our Form 470. This offers potential service providers the information necessary to establish communication via telephone or email (a specific email account is set up for the corresponding funding year) for specifics related to this, as well as all other, FRNs yet no service providers, for this particular FRN, took advantage of that. The decision was made to utilize the New York State Contract for

procurement of this service prior to signing of the contract, since the selected service provider met the criteria that suited the District's needs. We continuously review and update our procedures to ensure that the District remains completely within the guidelines set forth by the E-Rate program, and going forward we will, in the event proposals are received, prepare the necessary documentation for evaluating all bids even if we purchase goods or services from the New York State Contract.

As we still believe that we have abided by both E-Rate and local procurement guidelines, we respectfully request a reversal in the SLD's decision to deny our appeal for this funding request. Should the District be unable to furnish the students of the Yonkers Public Schools with this service it would negate the positive impact this has had in our schools.

Thank you for your attention and cooperation in this matter. Should you need additional information and/or supporting documentation, we will be more than happy to supply it to you at your request.


Sincerely,



Christopher M. Carvalho
Yonkers Public Schools
Director of Technology and Information Systems
914-376-8090
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CMC:jmg

Attach.

cc: Bernard P. Pierorazio 

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Detailed Company Contact Information

Contract #	Contractor & Address	Telephone #	Fed. ID #
CMS209A SBE	eChalk, LLC Mr. Mark Root Mr. Mark A. Root 199 Water Street 16th Floor New York, NY 10038	Tel: (212)809-8400 Fax: (212)809-8500 contracts@echalk.com	13-4065232

CONTRACT PRICING INFORMATION

Contract Title: Consulting Services NOT-TO-EXCEED HOURLY RATES												
Job Classification/Title												
Contractor	EL Proj Manager	Proj Manager I	Proj Manager II	Proj Manager III	EL Prog Analyst	Prog Analyst I	Prog Analyst II	Prog Analyst III	EL Spclst	Spclst I	Spclst II	Spclst III
eChalk, LLC	\$230.00	\$258.00	\$290.00	\$332.00	\$204.00	\$226.00	\$248.00	\$268.00	\$185.00	\$210.00	\$248.00	\$290.00

NOTE: All contractors with on-going services on contract have agreed to a minimum 10% discount from list/published prices when bidding on services related to maintenance & support. The discount is a separate pricing scheme and has nothing to do with the not-to-exceed hourly rates..

Ancillary Classifications			
Contractor	Job Classification/Title	Rate	Unit Of Measure
eChalk, LLC			
	Additional Storage	\$100.00	per GB
	Customized URL	\$500.00	per URL
	eChalk Annual Site Fee	\$1,500.00	per site
	eChalk Annual User Fee	\$8.00	per user
	eChalk Setup Fee	\$2,000.00	per site

SERVICES NOT CURRENTLY PROVIDED

Systems Integration (SI) Services

Live Training Services

Computer Based Training (CBT) Services

Video Based Training (VBT) Services